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Convention on the Rights of Persons with Disabilities

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Committee on the Rights of Persons with Disabilities

List of issues in relation to the initial report of Ukraine*

A. Purpose and general obligations (arts. 1–4)

Purpose (art. 1)

1. Please provide updated information on the national action plan to implement the Convention.

Definitions (art. 2)

2. Please clarify the definition of the term "persons with disabilities" in the State party's legislation and the measures taken to bring it into line with the object and purpose of the Convention.

General obligations (art. 4)

3. Please provide information on the measures taken to implement laws, policies and strategies to protect, promote and monitor the rights of persons with disabilities. Please also provide information on plans to ensure that organizations of persons with disabilities can actively engage and meaningfully participate in these decision-making processes.

4. Please inform the Committee about the measures taken to shift from the medical approach to disability to the rights-based approach, as required by the Convention.

B. Specific rights

Equality and non-discrimination (art. 5)

5. Please provide updated information on the presidential decree on the strategy to combat discrimination that was approved by the Government in 2011, detailing the sanctions that are used specifically against those who violate the right of persons with disabilities to non-discrimination.

6. Please provide information, disaggregated by sex, on the number of cases brought by persons with disabilities alleging multiple and intersectional discrimination, and on the legal remedies made available to them.

* Adopted by the pre-sessional working group at its third session (20–24 April 2015).

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Women with disabilities (art. 6)

7. Please provide information on the measures taken to ensure that legislation and policies on equal rights and opportunities for women take into account the rights and interests of women and girls with disabilities.

8. Please provide data and information on gender-based violence and any programmes designed to protect and support women and girls with disabilities against violence.

Children with disabilities (art. 7)

9. Please provide detailed information on urgent and relevant measures taken to prevent the institutionalization and abandonment of children with disabilities, in particular in conflict areas in eastern Ukraine. Are there mechanisms in place to monitor the situation in institutions for children with disabilities with regard to the quality of care, services and rehabilitation programmes, as well as the qualifications of staff? What measures are being taken to protect children in such institutions from being exposed to violations of their rights, such as trafficking, sexual exploitation and forced labour?

Awareness-raising (art. 8)

10. Please provide information on the steps taken to eradicate prejudices against and gender stereotyping of persons with disabilities and to raise awareness about their rights, as enshrined in the Convention. Please include details of the measures taken to disseminate information in accessible formats, accommodating various forms of disabilities.

Accessibility (art. 9)

11. Please provide information on the outcomes of the implementation of the State party's policies, such as the "Ukraine without barriers" policy for 2009–2015, to provide persons with disabilities with unhindered access to transport and social infrastructure.

12. Please inform the Committee about the measures taken to supervise the implementation of the 2011 law regulating urban planning with regard to accessibility provisions, and indicate whether and how the law is applied to public and private sector facilities and buildings, including the newly built urban environment.

Situations of risk and humanitarian emergencies (art. 11)

13. Please clarify whether the State party's legislation and policies on protecting the population and territories against disasters and natural emergencies include measures to assist persons with disabilities in situations of risk and humanitarian emergencies.

14. Please provide information about the State party's humanitarian emergency response for persons with disabilities in conflict areas in eastern Ukraine and indicate whether organizations of persons with disabilities have been involved in designing these plans. Please also provide any data that are available on programmes designed for internally displaced persons with disabilities.

Equal recognition before the law (art. 12)

15. Please clarify whether the Civil Code provides for a system of supported decision-making for persons with intellectual and/or psychosocial disabilities who are deprived of their legal capacity.

16. Please explain what measures are being taken to ensure the equal right of all persons with disabilities to own or inherit property, to control their own financial affairs and to have equal access to bank loans, mortgages and other forms of financial credit.

Access to justice (art. 13)

17. Please clarify whether any amendments have been made to the State party's legislation in order to ensure that persons with disabilities have effective access to justice on an equal basis with others. Please provide information on the measures taken to ensure that they have access to court buildings, to provide sign language interpretation and to enable persons with intellectual and/or psychosocial disabilities to access justice.

18. Please indicate whether the State party has taken measures to train those working in the administration of justice, including the police and prison staff, on procedural accessibility and reasonable accommodation.

Liberty and security of the person (art. 14)

19. Please provide information on the measures taken to provide persons with disabilities who are deprived of their liberty with reasonable accommodation, including access to technical, medical and hygiene facilities.

Freedom from exploitation, violence and abuse (art. 16)

20. Please provide information on the measures taken to prevent violence against and abuse of persons with disabilities, particularly persons with intellectual disabilities, and ensure that persons with disabilities who become victims of violence and exploitation have access to effective recovery, rehabilitation and social reintegration services and programmes.

21. What measures are being taken to ensure that all services and programmes designed to serve persons with disabilities are effectively monitored by independent authorities in order, inter alia, to prevent violence and abuse, especially against women and girls with disabilities?

Living independently and being included in the community (art. 19)

22. Please provide information on the number of persons with intellectual and/or psychosocial disabilities living in institutions, disaggregated by sex, and on the measures taken to prevent institutionalization by providing in-home, residential and community-based services.

Freedom of expression and opinion, and access to information (art. 21)

23. Please provide information on the specific steps taken to implement the State party's legislation providing for access to information for persons with disabilities in augmentative and alternative means, modes and formats of communication, such as sign language, Braille and easy to read formats, among others.

Respect for privacy (art.22)

24. Please provide information on measures taken to protect the right to privacy for all persons with disabilities in all settings, including residential settings.

Education (art. 24)

25. Please provide information on measures to include all children with disabilities in mainstream education at all levels and to prevent the widespread practice of segregating children and adults with disabilities in special needs schools.

26. Please provide data on the financial resources allocated to measures aimed at implementing inclusive education policies in order to provide students with disabilities with

reasonable accommodation, including training provided for educators to ensure support for inclusive education in public schools.

Health (art. 25)

27. What measures have been taken to provide accessible, gender-sensitive, mainstream and quality health-care services, including sexual and reproductive health services, to persons with disabilities on an equal basis with others? Please provide information on the financial resources and training provided for that purpose. Please also provide information on the measures taken to prevent discrimination and degrading treatment in the provision of health-care services to persons with disabilities, especially in rural areas.

Habilitation and rehabilitation (art. 26)

28. Please provide information on the measures taken to strengthen habilitation and rehabilitation programmes in coordination with organizations of persons with disabilities, and on the financial resources available for such programmes, which foster independent living in the community.

Work and employment (art. 27)

29. Please provide information on the measures taken by the State party to combat discrimination against persons with disabilities in the labour market and to increase the level of employment of persons with disabilities, including the implementation of the 4 per cent quota for the employment of persons with disabilities established under the law on the social protection of persons with disabilities.

Adequate standard of living and social protection (art. 28)

30. Please provide data on the levels of poverty among persons with disabilities, including children with disabilities, compared to adults and children without disabilities, and information on social protection measures taken in this regard.

Participation in political and public life (art. 29)

31. Please provide information on plans to repeal legislation that prevents citizens with disabilities whose legal capacity had been restricted from fully exercising their right to vote.

C. Special obligations

National implementation and monitoring (art. 33)

32. Please provide updated information on the establishment of a national independent mechanism to monitor the implementation of the Convention, and on the involvement of organizations of persons with disabilities in any consultations on proposals for such a mechanism.